

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
May 11, 2004

In attendance:

Paul Ninham, Oneida Tribe (host)
Jennifer Hill-Kelley, Oneida Tribe
Tom Nelson, Oneida Tribe
Inez Dommer, Oneida Tribe
Charlie Wooley, USFWS
Colette Charbonneau, USFWS
Laurie Boivin, Menominee Tribe
Gary Besaw, Menominee Tribe
Doug Cox, Menominee Tribe
Bruce Nesslage, DOI

Kathy Cavanaugh, MI AG
Bill Creal, MDEQ
Jessica Mistak, MDNR
Greg Hill, WDNR
George Boronow, WDNR
Ron Kazmierczak, WDNR
Todd Goeks, NOAA
Brian Spears, USFWS
Greg Swanson, WDNR
John Carlucci, DOI

Open Meeting

* Trustee Council host for 2004/2005 will be the Menominee Indian Tribe of Wisconsin. No objections.

*Bruce Nesslage, DOI, gave a presentation regarding how the DOI NRDAR revolving fund is managed and provided information on investing settlement funds for a higher interest rate. Fort James/G-P and WTM1/PHG settlement funds have been deposited into the DOI revolving fund. The Trustee Council has the ability to invest these funds. Colette Charbonneau will look into an investment package and bring it back to the Trustee Council for review and agreement. No objections.

*The Trustee Council discussed how interest earned on the funds will be addressed in the future. The Council decided that interest earned on funds invested in the DOI NRDAR revolving fund will be allowed to accrue in the general account as opposed to designated to specific projects. No objections.

* An update on current restoration projects was given by the Restoration Technical Representatives Team (Technical Team). To date \$10,267,500 have been allocated from the API/NCR interim settlement and \$327,000 from the WTM1/PHG interim settlement.

*The Technical Team's recommendation for consideration of funding was presented by Colette Charbonneau to the Trustee Council. See attachment for details.

Public Forum – facilitated by Greg Swanson, WDNR

*Clarification on the Technical Team and Trustee Council's role regarding decision making and what exactly a 'recommendation for consideration of funding' means to a partner that has a project on the list. The Technical Team had reviewed the technical merit of the restoration projects proposed pursuant to the Restoration Plan. A list of restoration projects was provided to the Trustee Council as a recommendation for implementation. The Trustee Council will consider

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those recommendations and make a funding determination to those projects. The Technical Team does not make the decision on specific projects that will be funded.

*Suggestion for earlier notification of the meeting so public has time to plan accordingly. Swanson explained that a news release was sent to the media 2 weeks prior to the meeting. The Trustee Council has to rely on the press to print notifications. All Trustee Council meetings are scheduled on the WDNR meeting and hearings calendar on the website <http://dnr.wi.gov/org/caer/ce/news/hearmeet.html#meetings>. Because of the large size of the site mail list and the Trustee's desire not to give preferential treatment to any individual or organization, individual notification mailings are not planned for future meetings.

*Geographic priority areas per the Restoration Plan were explained to clear up a misunderstanding of why projects in watersheds draining directly to Lake Michigan rather than Green Bay were not a high priority. Watersheds draining directly to Lake Michigan rather than Green Bay are in the lowest geographic priority region as set forth in the Restoration Plan and thus projects in those watersheds did not rank high.

*Attributes of the Baird Creek restoration project which was not within the recommendation from the Technical group were stated.

*Attributes for the Habitat Preservation along the Shores of Green Bay restoration project that was being recommended for consideration by the Trustee Council were stated.

*Short term strategy information should be made public so our partners are not spending time developing projects that are not a high priority at this time.

*The need for reserve funds was questioned and explained. The 39 miles of the Lower Fox River is the highest geographic priority for restoration of resources. To date, minimal restoration has taken place in this area and the Trustee Council would like to have funds available when projects are brought forward from this priority area.

*A question was asked if matching funds from different sources were weighted differently. It was explained that all matching funds are considered equally. Matching dollars or in-kind services extends the settlement funds and provides for more restoration of the resources.

*A question was asked regarding negotiations and when a final settlement could be expected. The Intergovernmental Parties are engaged in approximately monthly discussions with the paper companies and there is no way to speculate when a final settlement will be agreed to.

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Executive Session:

*Trustee Council Resolution #5; Authorizing Greg Hill of the WDNR and Colette Charbonneau of FWS to serve as the Trustees' Representatives Regarding the Implementation and Funding of Natural Resource – Related Human Use Enhancement Projects with the Fort James Operating company and Local Government Sponsors; was explained by John Carlucci and signed by Council representatives. No objections.

*Trustee Council Resolution #6; Fort James Operating Company Consent Decree; Oneida Tribe Lake Construction Investigation; was explained by Charbonneau and signed by Council representatives. No objections.

*John Carlucci recommended a process to change the representative on the Council; there does not need to be a resolution of the Trustee Council but a formal letter from the trustee requesting the change to the Trustee Council Coordinator designating the new representative for the trustee. The Trustee Council Coordinator will keep an addendum list of the names of members.

*Discussion on the development of a Trustee Council logo for signs at restoration sites and for formal correspondence with the public. Colette Charbonneau presented information on the FWS design team and requested \$500 to have a logo designed and put into electronic format. The funds will come from the interest of settlement dollars from the Fort James or WTM1/PHG settlements. No objections.

*Charlie Wooley lead a discussion regarding funding for the Trustee Council Coordinator position. Charbonneau is currently spending half of her time per year doing business of the Trustee Council. These duties are outside the realm of her responsibilities as a biologist for the FWS. Wooley requested \$59,000 to fund the Coordinator position for this year. That is roughly \$50,000 for hourly pay plus fringe benefits plus indirect costs at 18%. The FWS requested \$59,000 on a per annual basis to be reviewed by the Trustee Council yearly to cover the cost for Charbonneau working as the Trustee Council Coordinator. The amount would be pro rated for this federal fiscal year or half a fiscal year. No objections.

*The Trustee Council deliberated on the Technical Team's restoration project recommendation for consideration of funding for 2004 and 2005. The final motion was to fund all the projects suggested for 2004. And at this time fund the second half of the Wild Rose Fish Hatchery Renovation (\$3,000,000) and the Habitat Preservation along the Shores of Green Bay capped at \$1,500,000. These funds would be released in 2005. A decision on the remaining two projects would be deferred until the next Trustee Council meeting and the funds would be held in reserve for potential projects in geographic priority 1 of the Restoration Plan (39 miles of Lower Fox River). No objections.

Meeting adjourned.

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ATTACHMENT:

Recommendation for Consideration of Funding for 2004

Funding Available for 2004:

API/NCR Interim Settlement	\$3,600,000
WTM1/PHG Interim Settlement	500,000
Fort James/G-P Habitat & Water Quality Enhancement Fund	1,500,000
Fort James/G-P Property Acquisition Fund	1,300,000

Reserve funds \$ 500,000

For unanticipated projects in high priority areas or categories

Construction of Walleye Rearing Ponds \$ 50,000

There is a current lack of capacity to raise walleye fry to fingerlings for stocking needs in Door County waters of Green Bay to maintain populations of this popular native sport fish. The restoration project is to construct one to two ponds in Door County on state lands. This project would address fishery resource issues in Green Bay as outlined in the Restoration Plan and would offer opportunities for public use of an injured resource.

Green Bay Area Great Lakes Sport Fisherman Blue Gill Stocking \$ 6,000

The Green Bay Area Great Lakes Sport Fishing Club has been stocking bluegill since 1996 near the mouth of Suamico River. This is a favorite ice-fishing species of the bay and the restoration project would double the amount of fish released. This project would address fishery resource issues in Green Bay as outlined in the Restoration Plan and would offer opportunities for public use of an injured resource.

The Club requested \$1,200 matching funds a year for five years (total \$6,000). The NRDA funds would match \$700/ year of Sport Fisherman funds and \$500/year of Brown County Conservation Alliance funds (\$1,200/year for a total of \$6,000). To reduce Trustee administrative costs it is recommended to provide the Fisherman Club the total of the five year project in 2004 with provisions that the project must be carried over the five years proposed.

Wild Rose Hatchery Renovation \$3,000,000

The coldwater fish rearing facilities of the Wild Rose Fish Hatchery need to be renovated to maintain and enhance the States ability to stock Chinook salmon, brown trout and rainbow trout. These top predators are important components for the stability and integrity of the fish community. Continued stocking of coldwater fish will benefit both the angling public over a broad area and economically benefit the region due to angling activity for the life of the project (50+ years). This project would address fishery resource issues in Green Bay as outlined in the Restoration Plan and would offer opportunities for public use of an injured resource.

Total requested funds are \$6,000,000 to match \$7,747,243 of state funds supported by the Great Lakes Salmon and Trout Stamp, Federal Aid in Sport Fish Restoration and revenues from fishing license sales. A commitment of \$3,000,000 for 2004 and \$3,000,000 for 2005 is recommended for consideration.

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Northeast Wisconsin Land Trust Habitat Protection Project

\$ 222,300

This restoration project includes the protection of approximately 53 acres of habitat through fee title and conservation easement acquisitions. The area to be protected includes habitat that supports a naturally reproducing population of brook trout, the dwarf lake iris, a federally and state-threatened species, and provides a buffer for the protection of surface water and ground water quality in the area. The restoration project addresses injured fishery resources and provides for the protection of aquatic and riparian habitat outlined in the Restoration Plan.

The Northeast Wisconsin Land Trust has matching funds of \$247,700 from other sources.

Common Tern Nesting Island Project

\$ 50,000

A 1/10 acre island will be constructed within Terrell's Island habitat restoration area on western Lake Butte des Morts to attract nesting common terns and create habitat diversity. Maintenance of the island will be completed by the Butte des Morts Conservation Club under the guidance of DNR resource managers. This restoration project is part of work being conducted to enhance common tern nesting sites to ensure the continued rebuilding of a healthy and viable population of a species injured by the release of PCBs into the environment.

Terrell's Island Habitat Restoration Area Waterfowl Production & Shorebird Enhancement Project

\$ 75,000

A ½ acre island will be constructed within Terrell's Island habitat restoration area on western Lake Butte des Morts to attract nesting waterfowl and migrating shorebirds, create habitat diversity and reduce wind fetch within the habitat restoration area. Maintenance of the island will be completed by the Butte des Morts Conservation Club under the guidance of DNR resource managers. This restoration project will provide habitat for bird species injured by the release of PCBs and enhances aquatic and near-shore habitat outlined in the Restoration Plan.

Common Tern Nesting Habitat Enhancement Project

\$ 20,000

This restoration project will restore common tern nesting habitat on an existing island within Terrell's Island habitat restoration area on western Lake Butte des Morts by providing a weed barrier. Common terns began nesting on the island in 2002 but were unsuccessful due to rapid growth of tall grasses. This restoration project is part of work being conducted to enhance common tern nesting sites to ensure the continued rebuilding of a healthy and viable population of a species injured by the release of PCBs into the environment.

Prairie Restoration of Upland Sites near Wetlands, Waterways & Rivers

\$ 100,000

This restoration project will restore approximate 200 acres of native prairie near wetlands, along waterways and rivers in the Brillion and Killsnake Wildlife Areas over 4 years. This type of habitat is restored to provide nesting cover for waterfowl. The prairie restoration will provide habitat for waterfowl injured by the release of PCBs and enhances wetlands and riparian habitat outlined in the Restoration Plan.

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***Monitoring, Protection & Captive-rearing of the Great Lakes Population
Of the Piping Plover***

\$ 22,000

This restoration project would support piping plover, a federally-endangered species, monitoring and breeding habitat protection efforts in the Green Bay where piping plovers are known to occur. This request is part of a larger piping plover project that is occurring throughout the Great Lakes. Partners contributing approximately \$200,000 to the effort include the University of MN, The Detroit Zoological Institute, Fish and Wildlife Service and volunteers who will protect piping plover nests when they are found. While the piping plover may not have been directly injured by the release of PCBs, the endangered species was part of the Green Bay ecosystem and has recently started to try to nest along the shores of the bay.

***Sensiba Wildlife Area Northern Pike Spawning Area & Waterfowl
Enhancement Project***

\$ 35,000

The restoration project will create suitable spawning habitat for northern pike and expand the available wetland area for fish and waterfowl by 35 acres. This is an important addition to the 150 acre impoundment that is closed to hunting during waterfowl season creating a unique resting area for waterfowl. This project provides additional wetland acreage and enhances that available as outlined in the Restoration Plan.

***Wetland Restoration on KILLSNAKE Wildlife Area & Enhancement on Brillion
Wildlife Area***

\$ 14,500

This project would restoration nesting cover habitat around a wetland on KILLSNAKE WA and construct 6 additional pair ponds for nesting waterfowl on the Brillion WA. This project provides additional wetland acreage and enhances that available as outlined in the Restoration Plan.

Rush Lake Restoration

\$ 420,000

This project will restore ~3,000 acres of a unique prairie pothole wetland complex in northeast WI, creating habitat for a wide range of wetland wildlife; nesting habitat for terns and herons, nesting and brood rearing habitat for waterfowl, migration stopover areas for shorebirds and habitat for mink. Many of the resource benefits received from this project are directly related to the resources injured through the PCB release such as waterfowl, fish eating birds and mammals and the fishery. There will also be human recreation benefits provided by this project including waterfowl hunting, fishing and trapping.

This project includes \$50,000 matching funds from Ducks Unlimited.

Uihlein Waterfowl Production Area Restoration

\$ 75,000

The Uihlein WPA is adjacent to Rush Lake and the complex includes habitat for Forester's, common and black terns and waterfowl, as well as many other wetland species. The restoration project would create an additional 40 acre impoundment for the reestablishment of semi-permanent marsh and wet meadow. The WPA is open for hunting, fishing, wildlife observation, and other human recreational uses. This project would enhance the populations of injured avian resources and restore wetland habitat as outlined in the Restoration Plan.

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This project includes \$75,000 matching funds from Ducks Unlimited and \$5,000 from the U.S. Fish and Wildlife Service.

Oconto Marsh Pump & Water Control Replacement \$ 25,000

The Oconto Marsh, Green Bay westshore, is a 220 acre freshwater marsh that is underutilized due to lack of water. The current pump and water control structure was installed in the late 1960s and is unable to provide water for the entire area. This is one of the most productive waterfowl areas along the westshore and also provides nesting and feeding habitat for Forster's terns. Colonial nesting birds also use the area to forage throughout the summer. This project would enhance the populations of injured avian resources and restore wetland habitat as outlined in the Restoration Plan.

Recommendation for Consideration of Funding for 2005

Funding Available for 2004:

API/NCR Interim Settlement	\$6,212,500
WTM1/PHG Interim Settlement	~ 905 ,000
Fort James/G-P Habitat & Water Quality Enhancement Fund	967,700
Fort James/G-P Property Acquisition Fund	1,300,000

Reserve funds \$1,000,000

For unanticipated projects in high priority areas or categories

Wild Rose Hatchery Renovation \$3,000,000

Continuation of project started in 2004 (see description above)

Habitat Preservation along Shores of Northern Green Bay \$1,799,000

This restoration project includes the protection of approximately 1,075 acres of habitat through fee title and conservation easement acquisitions to be held by The Nature Conservancy. This project would protect 5 miles of non-fragmented shoreline along northern Green Bay which includes gravel areas used as spawning habitat by walleye, smallmouth bass and lake whitefish as well as coastal plain wetlands used by waterfowl and as a nursery for fish. An active bald eagle nest has been documented on the site. The uplands provide a contiguous forested habitat that creates a buffer to the adjacent coastal habitats. Pressure to develop this important habitat is high. This project would provide wetland and aquatic, near-shore habitat as outlined in the Restoration Plan.

The availability of matching funds continues to be explored.

Island Habitat Protection \$ 500,000

This restoration project would protect important island habitat that supports waterfowl and colonial nesting birds which were injured by the release of PCBs into the environment.

Door County Land Trust Habitat Protection Project \$ 626,000

This restoration project would protect approximately 130 acres of wetland, riparian and upland habitat through fee title. The habitat is critical to the effort to restore optimum hydrologic function to the wetlands in this project area. Protection and restoration of these sites will help reduce input of excess

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nutrients and pollution to the aquifer and surface waters of Green Bay. The project will also improve and restore breeding habitat for northern pike and other fish species along the east shore of Green Bay.

Matching Wisconsin State Stewardship funds of approximately \$300,000 have been requested.

If All Reserved Funds Used in 2004 and 2005

Funding Available for 2006:

API/NCR Interim Settlement	\$ 0
WTM1/PHG Interim Settlement	~ 2,068,500
Fort James/G-P Habitat & Water Quality Enhancement Fund	967,700
Fort James/G-P Property Acquisition Fund	674,000